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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,643	10/12/2001	Anit Lohtia	NORT0092-US(13487RRUS01U)	2990
21906	7590	06/27/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			MURPHY, RHONDA L	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,643

Applicant(s)

LOHTIA ET AL.

Examiner

Rhonda Murphy

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,21-25 is/are pending in the application.
- 4a) Of the above claim(s) 9-19,21 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,22,23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 22, 23 and 25, are drawn to a method and system for releasing a connection according to a first and second procedure if subscribed to a first and second level of service, classified in class 370, subclass 329.
 - II. Claims 9-19, 21 and 24, are drawn to a system for generating dummy data if subscribed to a first level of service, classified in class 370, subclass 465.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions I (claims 1-8, 22, 23 and 25) is directed to a method and system for releasing a connection according to a first procedure if subscribed to a first level of service and a second procedure if subscribed to a second level of service; while invention II (claims 9-19, 21 and 24) to a system for generating dummy data if the mobile station is subscribed to a first level of service. Furthermore, group I does not require the subject matter of claims 9 and 18 to be patentable.

3. Because these inventions are distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Dan Hu on 6/16/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8, 22, 23 and 25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-19, 21 and 24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

6. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 25 does not further limit claim 1. Both claim 1 and claim 25 recite releasing a logical connection of the mobile station according to a first procedure if subscribed to the first level of service and according to a second, different procedure if subscribed to the second level of service.

7. Claim 22 is objected to because of the following informalities: Use of the term "adapted to", in lines 3 and 5, makes the limitation following the term optional and does not required the steps to be performed. Refer to MPEP 2111.04 and 2106 C. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1- 5, 22, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,532,225).

Regarding claim 1, Chang teaches a method of performing communications in a wireless network, comprising: determining if a mobile station is subscribed to a first level of service or a second level of service (Fig. 5; access BSS through PRATCH and inform its service type and delay requirement); communicating packet-switched traffic (PRACH channels transmit packet-switched traffic); and releasing a logical connection between the mobile station and a wireless access system according to a first procedure if subscribed to the first level of service and according to a second, different procedure if subscribed to the second level of service (see Fig. 5; the connections are released

using different procedures for different service levels: best-effort data, delay-sensitive data, and real-time data; col. 8, lines 1-20).

Regarding claim 2, Chang teaches the determining, communicating, and releasing acts performed by the mobile station (col. 8, lines 4-5 and 11-12).

Regarding claim 3, Chang teaches releasing the logical connection comprising releasing a temporary block flow (col. 8, lines 11-15; TFI is released – which identifies TBF, col. 3, lines 59-63).

Regarding claim 4, Chang teaches releasing the temporary block flow comprising releasing an uplink temporary block flow (col. 8, lines 2-3; the procedure of Figure 5 describes a process of releasing an uplink TBF).

Regarding claim 5, Chang teaches communicating the packet-switched traffic comprising carrying the packet-switched traffic in one or more channels defined by a protocol selected from the group consisting of a General Packet Radio Service (GPRS) protocol, an Enhanced GPRS protocol, and a Global System for Mobile/Enhanced Data Rate for Global Evolution Radio Access Network (GERAN) protocol (col. 3, lines 56-58).

Regarding claim 22, Chang teaches a mobile station, comprising: an interface block to a wireless link to a wireless access system (Fig. 5, access BSS through PRACH; col. 8, lines 4-5), a controller (inherent in mobile stations) adapted to determine if the mobile station is subscribed to a first level of service or a second level of service (Fig. 5; access BSS through PRACH and inform its service type and delay requirement), the controller being adapted to release a temporary block flow on the wireless link according to a first procedure if subscribed to the first level of service and according to a

second, different procedure if subscribed to the second level of service (see Fig. 5; the connections are released using different procedures for different service levels: best-effort data, delay-sensitive data, and real-time data; col. 8, lines 1-20).

Regarding claim 23, Chang teaches the temporary block flow defined by a packet-switched wireless protocol selected from the group consisting of a General Packet Radio Service protocol, an Enhanced General Packet Radio Service protocol, and a Global System for Mobile/Enhanced Data Rate for Global Evolution Radio Access Network protocol (col. 3, lines 56-58).

Regarding claim 25, Chang teaches wherein releasing the logical connection according to the first procedure is performed in response to determining that the mobile station is subscribed to the first level of service, and releasing the logical connection according to the second procedure is performed in response to determining that the mobile station is subscribed to the second level of service (see Fig. 5; the connections are released using different procedures for different service levels: best-effort data, delay-sensitive data, and real-time data; col. 8, lines 1-20).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6,532,225) in view of Forssell (US 6,671,511).

Regarding claim 6, Chang teaches a mobile station subscribed to the first level of service and releasing the logical connection (Fig. 5, col. 8, lines 12-13). Chang fails to explicitly disclose starting a timer in the mobile station after detecting there is no further data to send, wherein releasing the logical connection is performed after expiration of the timer.

However, Forssell teaches starting a timer in the mobile station after detecting there is no further data to send, wherein releasing the logical connection is performed after expiration of the timer (col. 11, lines 51-54).

In view of this, it would have been obvious to one skilled in the art to modify Chang's method by including Forssell's timer function, in order to provide efficient usage

of channel resources by releasing a connection after an inactive time period has elapsed.

Regarding claim 7, Chang teaches the mobile station subscribed to the second level of service (Fig. 5, col. 8, lines 15-16). Chang fails to explicitly disclose releasing the logical connection in response to detecting there is no further data to send without use of the timer.

However, Forssell teaches releasing the logical connection in response to detecting there is no further data to send without use of the timer (col. 11, lines 40-51).

In view of this, it would have been obvious to one skilled in the art to modify Chang's method by including Forssell's method of releasing a connection without use of a timer, in order to release a connection by using a bit in a header to indicate a release is required (col. 11, lines 44-47).

Regarding claim 8, the combined method of Chang and Forssell teach detecting there is no further data to send. Chang fails to explicitly disclose detecting there is no further data to send by detecting a send buffer is empty or is about to become empty.

However, Forssell teaches detecting there is no further data to send by detecting a send buffer is empty or is about to become empty (col. 12, lines 22-29).

In view of this, it would have been obvious to one skilled in the art to modify Chang's method by including Forssell's teaching of detecting if a send buffer is empty or about to become empty, in order to determine whether or not additional data is forthcoming.

Response to Arguments

13. Applicant's arguments, filed on 3/21/06, with respect to the rejection(s) of claims 1 and 22 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference. As stated above in the rejection of claims 1 and 22, Chang teaches determining if a mobile station is subscribed to a first level of service or a second level of service and releasing a logical connection between the mobile station and a wireless access system according to a first procedure if subscribed to the first level of service and according to a second, different procedure if subscribed to the second level of service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
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